

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF  
TEXAS HOUSTON DIVISION

In Re:

**ELIZABETH THOMAS**

*Debtor*

22 CV-00705

**JAMES ALLEN, ROBERT L. THOMAS  
ALLAN HAYE**

*Plaintiffs/Counter-Defendants*

-

vs.

**PCF PROPERTIES OF TEXAS LLC.  
SUCESSOR TO FLAGSTONE LENDING  
GROUP, A NON-EXISTENT UATH  
CORPORATION**

*Defendants/Counter- Plaintiffs*

**PCF PROPERTIES OF TEXAS LLC,**

*Third Party Plaintiff*

vs.

**J.P. MORGAN CHASE BANK N.A AND  
ELIZABETH THOMAS, JMAES M ANDERSEN**

*Third Party Defendants*

**NOTICE OF STATUS OF APPEAL**

**TO HONORABLE JUDGE ALFRED H. BENNETT**

Plaintiffs James Allen and Robert L. Thomas hereby notifies the Court that the Appeal pending in the United States Bankruptcy Court for the Southern District of New York of the April 28, 2022 advisory opinion/ruling against James Allen Robert L. Thomas (“Appellants”) and Primary Residential Mortgage Inc., (“Appellees”) before the Honorable Judge Nelson S. Roman U.S.D.J. for the U.S. Southern District of New York: White Plains Division under Appeal No. 22-CV-03666 has been voluntary dismissed and states as

follows:

1. Appellant's James Allen and Robert L. Thomas has dismissed the bankruptcy appeal as it becoming to costly and 1 because J.P. Morgan Chase wanted to litigate the case before this honorable court instead of the case *Robert L. Thomas and James Allen vs. McCarthy & Holthus LLP, on behalf of Flagstone Lending Group a Non-Existent Utah Corporation and its Successor J.P. Morgan Chase Bank N.A., and Elizabeth Thomas* 133rd Judicial District Court, Harris County, Texas Cause No. 2018-14171 for which the order was issued for. See **Exhibit** 1 and 2.
2. The Appeal proceeding and order dismissing the appeal clarifies that (i) Debtor Elizabeth Thomas was not a party designated in bankruptcy court proceedings or appeal and (ii) Non-Party *J.P. Morgan Chase Bank N.A.*, was not designated as a party in bankruptcy court proceedings or appeal. See **Exhibit** 3.
3. The April 28, 2022, New York Bankruptcy Court advisory opinion issued against James Allen and Robert L. Thomas (the "Plaintiffs") and against Primary Residential Mortgage Inc. has **"no legal effect on lifting the bankruptcy stay on cases for which the debtor Elizabeth Thomas is a party to the cause of action."**
4. On December 9, 2022 the 333<sup>rd</sup> Judicial District Court Harris Count Texas in the cases entitled Miramar Lake Homeowners Association vs. Elizabeth Thomas; which includes Class action lawsuit Catrice Henry et al., vs MTH Lending Group et al and Catrice Henry et al., vs. Meritage Homes of Texas LLC., et al., for which debtor Elizabeth Thomas is named as a party has after a status conference hearing held on November 29, 2022, mandates that an order from the bankruptcy court clarifying there is no bankruptcy stay **for this case**. See **Exhibit** 4.
5. In the case the case entitled James Allen and Robert L. Thomas vs. McCarthy & Holthus on Behalf of Flagstone Lending Group a Non-Existent Utah Corporation, Successor /Assignee J.P. Morgan Chase Bank N.A., Elizabeth Thomas and Primary Residential Mortgage Inc., adversary proceeding No.22-Ap-03024, presently pending before the Honorable Judge Marvin Isgur U.S.B.J., still requires an order from the New York Bankruptcy Court lifting the bankruptcy **stay for this case**. See **Exhibit** 5.

**WHEREFORE**, Defendant PCF Properties of Texas LLC., as Successor to Flagstone Lending Group a Foreign Non-Existent Utah Corporation has not filed a motion in the bankruptcy court for Allan Haye or Elizabeth Thomas certifying that the stay does not apply to this particular case.

Respectfully submitted

**COLLEEN M. MCCLURE**  
**ATTORNEY AT LAW**

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**CERTIFICATE OF SERVICE**

I hereby certify that on December 20, 2022 a true and correct copy of the foregoing instrument has been served by electronic transmission via the Court's CM/ECF system upon all parties designated as parties registered to receive electronic notice in this case and upon self represented parties at:

Elizabeth Thomas  
via United States Post Office  
712 H St. NE Suite 1297  
Washington DC., 20002  
Via email  
[elizthomas234@gmail.com](mailto:elizthomas234@gmail.com)

/s/Colleen M. McClure  
Colleen M. McClure